PROVISIONAL CONSTITUTION

OF THE

REPUBLIC OF INDONESIA

Ministry of Information

PERPUSTAKAAN NASIONAL
REPUBLIK INDONESIA

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THE PROVISIONAL CONSTITUTION

OF THE

REPUBLIC OF INDONESIA

Promulgated on 15th of August, 1950

(Act No. 7, 1950, Gazette No. 37, 1950).

The President of the Republic of the United States of Indonesia.

Considering:

that the people of the component States throughout Indonesia desire the formation of a Unitary Republic;

that sovereignty is in the hands of the people;

that this unitary State is actually identical with the State of Indonesia whose independence was proclaimed by the people on August 17, 1945, which was originally a unitary Republic and which subsequently became a federal Republic;

that in order to carry out the will of the people in regard to the unitary Republic, the component States, the Negara Indonesia Timur and Negara Sumatra Timur, had empowered the Government of the Republic of the United States of Indonesia to negotiate with the Government of the component State the Republic of Indonesia;

that now Agreement has been reached between the two parties in said negotiations with a view to carrying out the will of the people, the time has come for the transformation, in accordance with said Agreement, of the Provisional Constitution of the Republic of the United States of Indonesia into the Provisional Constitution of the State which shall be a Unitary Republic by the name of Republic of Indonesia;

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Taking into consideration:

Article 190, Article 127 paragraph *a.* and Article 191 paragraph 2 of the Constitution;

Taking also into consideration:

The Charter of Agreement between the Government of the Republic of the United States of Indonesia and the Government of the Republic of Indonesia of May 19, 1950;

With the approval of the House of Representatives and of the Senate;

Resolves

to draw up:

The Act on the transformation of the Provisional Constitution of the Republic of the United States of Indonesia into the Provisional Constitution of the Republic of Indonesia.

Article I.

The Provisional Constitution of the Republic of the United States of Indonesia must be transformed into the Provisional Constitution of the Republic of Indonesia, as follows:

PREAMBLE.

SINCE independence is inherently the right of every nation, any form of colonialism in this world is contrary to humanity and justice, and must therefore by eradicated.

Our struggle for an Independent Indonesia has reached a stage of glory and the Indonesian people are on the very threshold of a free Indonesian State — independent, united, sovereign, just and prosperous.

Having, throught God's blessings and by His mercy, arrived at this blessed and sacred moment in our history, we hereby ordain our independence and, by this Charter, established our Unitary Republican State, based on the recognition of the Divine Omnipotence, Humanity, National Consciousness, Democracy and Social Justice.

In order that we may enjoy happiness, prosperity, peace and freedom in society and in the completely sovereign, constitutional State of Free Indonesia.

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CHAPTER I.

The State of the Republic of Indonesia.

Section 1.

The nature of the State and sovereignty.

Article 1.

1. The independent and sovereign Republic of Indonesia is a democratic, constitutional State of unitary structure.

2. The sovereignty of the Republic of Indonesia is vested in the people and is exercised by the Government together with the House of Representatives.

Section II.

The territory of the State.

Article 2.

The Republic of Indonesia comprises the whole territory of Indonesia.

Section III.

The symbols and the language of the State.

Article 3.

1. The national flag of the Republic of Indonesia is the Red and White Flag.

2. The national anthem is "Indonesia Raya".

3. The Government defines the seal and coat of arms of the State.

Article 4.

The official language of the Republic of Indonesia is the Indonesian language.

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Section IV.

Citizenship and Residents of the State.

Article 5.

1. The law regulates the citizenship of the Republic of Indonesia.

2. Naturalization is to be effected by law or in virtue of the law.

The law regulates the consequences of naturalization as they effect the wife and the children of minor age of the person naturalized.

Article 6.

Residents of the State are those who reside in Indonesia in accordance with regulations determined by law.

Section V.

Fundamental human rights and freedoms.

Article 7.

1. Everyone is recognized as a person before the law.

2. All are entitled to equal treatment and equal protection under the law.

3. All are entitled to equal protection against any discrimination and against any incitement to such discrimination.

4. Everyone has the right to be given legal assistance of a real nature by the competent judges against acts violating the fundamental rights accorded him by the law.

Article 8.

All persons within the territory of the State are entitled to equal protection of person and property.

Article 9.

1. Everyone has the right of freedom of movement and residence within the borders of the State.

2. Everyone has the right to leave the country and — being citizen or resident — to return thereto.

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Article 10.

No one shall be held in slavery, servitude or bondage.
Slavery, the slave trade and bondage, and any actions in whatever form giving rise thereto are prohibited.

Article 11.

No one shall be subjected to torture, or to cruel, inhuman or degrading treatment or punishment.

Article 12.

No one shall be arrested or detained unless by order of the competent authority and in the cases and the manner prescribed by law.

Article 13.

1. Everyone is entitled in full equality to a fair and just hearing by an impartial judge for the determination of his rights and obligations and of any criminal charge against him.

2. No person shall against his will be denied the judge assigned to him by the rules of the law in force.

Article 14.

1. Everyone charged with a penal offence, has the right to be presumed innocent until proved quilty according to the law in force, in a public trial at which he enjoys all the guarantees prescribed necessary for his defence.

2. No one shall be prosecuted or sentenced unless by virtue of a law applicable to him at the time the penal offence was committed.

3. In the event of a revision of the law referred to in the preceding paragraph, the provision most favourable to the accused shall be applied.

Article 15.

1. No transgression or crime shall be made punishable by total forteiture of the property of the offender.

2. No sentence may cause civic death or the loss of all civic rights.

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Article 16.

1. Everyone's home is inviolable.

2. To enter a compound or a dwelling against the occupant's will shall only be permitted in those cases provided for in a law applicable to him.

Article 17.

The freedom and secrecy of correspondence are inviolable except by order of a judge or other authority declared competent by law and in the cases defined by that law.

Article 18.

Everyone is entitled to freedom of religion, consience and thought.

Article 19.

Everyone has the right to freedom of opinion and of expression.

Article 20.

The right of all residents to freedom of assembly and association is recognized and shall be regulated by law.

Article 21.

The right to demonstrate and to strike work is recognized and shall be regulated by law.

Article 22.

1. All persons have the right, individually as well as in association with others, to freely lodge complaints with the public authorities, either orally or in writing.

2. All persons have the right, individually as well as in association with others, to present petitions to the public authorities.

Article 23.

1. Every citizen has the right to take part in the government, directly or by means of representatives freely elected in accordance with a procedure established by law.

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2. Every citizen shall be eligible for appointment to any Government post. Aliens may be appointed to Government posts in accordance with rules laid down by law.

Article 24.

Every citizen has the right and the duty to take an active part in the national defence.

Article 25.

1. The authorities shall not attach any advantages or disadvantages to the fact that citizens belong to a particular group of the population.

2. Differences in social and legal needs of the various groups of the population shall be taken into consideration.

Article 26.

1. Everyone has the right to own property individually as well as in association with others.

2. No one shall be arbitrarily deprived of his property.

3. The right to property is a social function.

Article 27.

1. Expropriation of any property or right for the general benefit cannot take place, except with indemnification and in accordance with regulations as established by law.

2. If any property has to be destroyed by public authority or has to be rendered useless either permanently or temporarily for the general benefit, such actions can only be taken with indemnification and in accordance with regulations as established by law, unless this law determines to the contrary.

Article 28.

1. Every citizen according to his ability has the right to such work as is worthy of a human being.

2. Everyone has the right to free choice of occupation and to just conditions of work.

3. Everyone has, under equal conditions, the right to equal pay for equal work and to equally favourable labour contracts.

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4. Everyone who works has the right to a just remuneration, ensuring an existence worthy of human dignity for himself and his family.

Article 29.

Everyone has the right to form and to join trade unions for the protection and the promotion of his interests.

Article 30.

1. Every citizen is entitled to receive an education.

2. The choice of education is free.

3. Teaching is free, except for the supervision to be exercised by public authority in accordance with the law.

Article 31.

The freedom to perform social and charitable work, to found organisations for this purpose, as well as for private education and to acquire and own property to these ends, is recognized subject to the supervision by public authority in accordance wit'h the law.

Article 32.

Everyone in the territory of the State owes obedience to the law, including the unwritten law, and to the public authorities.

Article 33.

The limitations on the exercise of rights and freedoms described in this section can only be imposed by regulations as established by law, exclusively for the purpose of securing the indispensible recognition and respect for the rights and freedoms of others and to comply with the just requirements of public order, morality and welfare in a democratic community.

Article 34.

No provision in this section may be interpreted as implying for any public authority, group or person any right to engage in any activity or to perform any act aiming at the destruction of any of the rights or freedoms set forth herein.

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Section VI.

Fundamental principles.

Article 35.

The will of the people is the basis of public authority. This will is expressed in periodic and genuine elections which are held by universal and equal suffrage and by secret vote or by equivalent free voting procedure.

Article 36.

The authorities shall promote social security and social guarantees, and particularly the securing and guaranteeing of favourable conditions of labour, the preventing and combating of unemployment and the establishing of old-age provisions and the care for widows and orphans.

Article 37.

1. The raising of the people's prosperity is an object of continuous concern of the authorities, who shall at all times aim at ensuring to everyone a standard of living worthy of human dignity for himself and his family.

2. Except for restrictions to be imposed by law for the general benefit, the opportunity shall be given to all, in accordance with their nature, aptitude and ability to take part in the development of the sources of welfare of the country.

3. The authorities shall prevent, in accordance with rules to be laid down by law, the existence of private monopolistic organisation which are harmful to the national economy.

Article 38.

1. The national economy shall be organized on a cooperative basis.

2. Branches of production of importance to the State and which vitally affect the life of the people, shall be controlled by the State.

3. Land and water and the natural riches contained therein shall be controlled by the State and used for the maximum prosperity of the people.

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Article 39.

1. The family is entitled to protection by society and the State.

2. The State shall provide for the needs of the poor and waifs.

Article 40.

The authorities shall protect cultural, artistic and scientific freedom. Upholding this principle, the authorities shall to the best of their ability, promote the development of the nation in culture, art and science.

Article 41.

1. The authorities shall promote the spiritual and physical development of the people.

2. The authorities shall in particular aim at the speediest possible abolition of illiteracy.

3. The authorities shall satisfy the need of public education, which shall have for its basic objects the deepening of national consciousness, the strengthening of the unity of Indonesia, the stimulation and deepening of the sense of humanity, of tolerance and of equal respect for everyone's religious conviction and the provision within school hours of the opportunity for religious teaching in accordance with the parents wishes.

4. As regards elementary education, the authorities shall aim at a speedy introduction of general compulsory education.

5. The pupils of the private schools which comply with the standards of efficiency laid down by law for public education, have the same rights as accorded to pupils of public schools.

Article 42.

The promotion of public hygiene and public health shall be an object of continucus concern of the authorities.

Article 43.

1. The State is based on the belief in the Divine Omnipotence.

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2. The State guarantees the freedom of every resident to profess his own religion and to worship according to his religion and belief.

3. The authorities shall give equal protection to all recognized religious denominations and organisations. Aid in any form given by the authorities to ministers of religion and to religious denominations or organisations shall be rendered on the basis of equality.

4. The authorities shall ensure that all religious denominations and organisations obey the law, including unwritten law.

CHAPTER II.

The Organs of the State

General provisions.

Article 44.

The organs of the State are:

a. the President and the Vice-President;
b. the Ministers;
c. the House of Representatives;
d. the Supreme Court;
e. the General Audit Department.

Section. I.

The Government.

Article 45.

1. The President is the Head of State.

2. In the exercise of his duties the President is assisted by a Vice-President.

3. The President and the Vice-President are elected in accordance with rules to be laid down by law.

4. For the first time the Vice-President is appointed by the President upon the recommendations submitted by the House of Representatives.

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Section. I.

The Government.

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2. In the exercise of his duties the President is assisted by a Vice-President.

3. The President and the Vice-President are elected in accordance with rules to be laid down by law.

4. For the first time the Vice-President is appointed by the President upon the recommendations submitted by the House of Representatives.

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5. The President and the Vice-President must be Indonesian citizens who have attained the age of 30 years and have not been debarred from suffrage or from the exercise thereof, nor have been deprived of the right to be elected.

Article 46.

1. The President and the Vice-President reside in the place where the seat of the Government is established.

2. The seat of the Government is established at Djakarta unless in cases of emergency the Government designates another place.

Article 47.

Before assuming office, the President and the Vice-President swear the following oath (make the following declaration) in accordance with their religious beliefs, in the presence of the House of Representatives:

"I swear (declare) I have neither directly nor indirectly under whatever name or pretence given or promised, nor shall give anything to anyone whoever he may be in order to be elected President (Vice-President) of the Republic of Indonesia.

"I swear (promise) I shall never accept from anybody whoever he may be any promise or gift in order to act or to abstain from acting in the execution of this office.

'I' swear (promise) I shall promote to the best of my ability the welfare of the Republic of Indonesia, and protect and maintain the general and special freedoms and rights of all inhabitants of the State.

"I swear (promise) loyalty to the Constitution and I swear (promise) that I shall always observe the laws and regulations of the Republic; of Indonesia, that I shall be loyal to the Country and the Nation, and that I shall loyally fulfil all duties which the office of Head of State (Deputy Head of State) imposes on me, as behoves a good Head of State (Deputy Head of State)".

Article 48.

In the event of death, removal or inability to exercise the duties of his office, the President is succeeded by the Vice-President until the completion of the President's unexpired term of office.

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Article 49.

Any Indonesian citizen who has attained the age of 25 years and who has not been debarred from suffrage or from the exercise thereof, nor has been deprived of the right to be elected, is qualified for appointment as Minister.

Article 50.

The President forms the Ministries.

Article 51.

1. The President appoints one or more Cabinet formateurs.

2. In accordance with the recommendation of the Cabinet formateur(s) the President appoints the Prime Minister and the other Ministers, the Prime Minister being one of the Cabinet formateurs.

3. In accordance with the recommendation of the Cabinet formateur(s) the President appoints the Ministers for the respective Ministries.
The President may appoint Ministers without portfolio.

4. The Presidential decrees containing the appointment referred to in the paragraph 2 and 3 of this Article are countersigned by the Cabinet formateur(s).

5. Interim appointment or resignation of Ministers is effected by Presidential decree, likewise resignation of the Cabinet.

Article 52.

1. The Ministers meet in the Council of Ministers under the chairmanship of the Prime Minister, or, in case the Prime Minister be prevented, of one of the Ministers appointed by the Council of Ministers, to jointly discuss the general interests of the Republic of Indonesia.

2. The Council of Ministers continuously informs the President and the Vice-President of all matters of importance.
The Ministers individually are under the same obligation in respect of matters pertaining in particular to their offices.

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Article 53.

Before assuming their offices, the Ministers swear the following oath (make the following declaration) before the President, in accordance with their religious beliefs:

"I swear (declare) that I have neither directly nor indirectly under whatever name or pretence given or promised, nor shall give anything to anyone whoever he may be, in order to be appointed Minister.

"I swear (promise) I shall never accept from anybody whoever he may be any promise or gift, in order to act or to abstain from acting in the execution of the office.

"I swear (promise) loyalty to the Constitution, that I shall observe all laws and regulations of the Republic of Indonesia, that I shall promote to the best of my ability the welfare of the Republic of Indonesia, that I shall be loyal to the Country and to the Nation, and that I shall loyally fulfil all duties the office of Minister imposes on me".

Article 54.

The salaries of the President, of the Vice-President and of the Ministers, and also the allowances for travelling expenses and possible other compensations shall be regulated by law.

Article 55.

1. The offices of President, Vice-President and Minister are incompatible with the exercise of any other public office inside or outside the Republic of Indonesia.

2. The President, the Vice-President and the Ministers shall neither directly nor indirectly participate in, or stand surety for any enterprise based upon an agreement for profit concluded with the Republic of Indonesia or any autonomous area of Indonesia.

3. They shall not hold any claims on the Republic of Indonesia except public debentures.

4. The provisions of paragraphs 2 and 3 of his Article remain applicable to them until three years after their resignation.

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Section II.

The House of Representatives.

Article 56.

The House of Representatives, represents the entire Indonesian people and consists of a membership the number of which is determined on the basis of one representative to every 300,000 residents of Indonesian citizenship, without prejudice to the provision in the second paragraph of Article 58.

Article 57.

The members of the House of Representatives are elected in a general election by Indonesian citizens who fulfil the conditions, and in accordance with rules laid down by law.

Article 58.

1. The Chinese, Europeanen and Arab minority groups shall be represented in the House of Representatives by at least 9, 6 and 3 members respectively.

2. If these numbers are not attained by election in accordance with the law as referred to in Article 57, the Government of the Republic of Indonesia shall appoint additional representatives of these minorities. The number of the membership of the House of Representatives referred to in Article 56 shall then, if necessary, be increased by the number of these appointments.

Article 59.

The members of the House of Representatives are elected for a term of four years.

They resign together and are eligible for re-election on the expiration of that term.

Article 60.

Indonesian citizens who have attained the age of 25 years and who have not been debarred from suffrage or from the exercise thereof and who have not been deprived of the right to be elected, can be members of the House of Representatives.

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Article 61.

1. Membership of the House of Representatives is incompatible with the offices of President, Vice-President, and Attorney-General; of President, Vice-President, or Members of the Supreme Court; of Chairman, Vice-Chairman, or Member of the Audit of Department: of President of the Bank of Issue, and with the holding of offices to be determined by law.

2. A member of the House of Representatives who simultaneously holds the office of Minister, is not allowed to excercise his rights or fulfil his duties as a member of said body as long as he holds the office of Minister.

3. Members of the Armed Forces who are in active service and who accept membership of the House of Representatives, shall automatically become non-active during their membership. After resigning as a member, they will enter active service again.

Article 62.

1. The House of Representatives elects from its midst a Chairman and one or more Deputy Chairmen. These elections require the confirmation by the President.

Prior to such confirmation by the President the oldest member in age temporarily presides over the meeting.

Article 63.

Before assuming their office, the members of the House of Representatives swear the following oath (make the following declaration) in accordance with their religious belief before the President or the Chairman of the House of Representatives, authorized to this end by the President:

"I swear (declare) I have neither directly nor indirectly under whatever name or pretence given or promised, or shall not give anything to anyone whoever he may be, in order to be elected a member of the House of Representatives.

"I swear (promise) I shall never accept from anybody whoever he may be, any promise or gift in order to act or to abstain from acting in the execution of this office.

"I swear (promise) I shall always assist in keeping the Constitution and the laws and regulations of the Republic of

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Indonesia, that I shall promote to the best of my abilities the welfare of the Republic of Indonesia, and that I shall be loyal to the Country and to the Nation".

Article 64.

In the meetings of the House of Representatives, the Chairman calls upon the Ministers to speak whenever they intimate the wish to address the House.

Article 65.

1. The House of Representatives convenes whenever the Government so desires or whenever the Chairman or at least one-tenth of the membership of the House of Representatives considers it necessary.

2. The Chairman convokes the House of Representatives.

Article 66.

1. The meetings of the House of Representatives are public, unless the Chairman considers meeting behind closed doors necessary or at least ten members so demand.

2. After the closing of doors, the meeting decides whether the discussion shall actually be held in camera.

3. Decisions on affairs discussed in closed meetings may also be taken behind closed doors.

Article 67.

The members of the House of Representatives can resign at all times.

They notify the Chairman to this effect in writing.

Article 68.

The House of Representatives holds its meetings at Djakarta, unless the Government in emergency cases designates another place.

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Article 69.

1. The House of Representatives has the right of interpellation and the right of questioning.
Members have the right of questioning.

2. The Ministers shall supply, either orally or in writing, all the information which is required to the House of Representatives, in pursuance of the preceding paragraph, and which is considered not to be contrary to the general interest of the Republic of Indonesia.

Article 70.

The House of Representatives has the right of inquiry, in accordance with regulations to be established by law.

Article 71.

The Chairman and members of the House of Representatives, likewise the Ministers, cannot be prosecuted for anything they have said in a meeting or have submitted to the meeting in writing except for the disclosure of anything said or submitted under secrecy at a meeting in camera.

Article 72.

1. The members of the House of Representatives vote as free men in honour and conscience bound, without instructions from or without the obligation to consult with those who have designated them members.

2. They shall refrain from voting on matters which affect them personally.

Article 73.

The salary of the Chairman of the House of Representatives, the allowances to be granted to the members and possibly also to the Chairman, and also the travelling and hotel expenses due to them are regulated by law.

Article 74.

1. All those who have attended a meeting in camera of the House of Representatives are bound to secrecy, unless this body decides otherwise or unless the obligations of secrecy are lifted.

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2. The same applies to members, Ministers and officials who have in any way cognizance of the matters discussed.

Article 75.

1. The House of Representatives cannot hold a discussion or take a decision, unless more than half of the members are present.

2. Unless the Constitution provides otherwise, all decisions are taken by absolute majority of the members voting.

3. In the event of the votes being equally divided, the proposal is considered to be rejected if the meeting is fully attended; otherwise the decision shall be postponed until a subsequent meeting.
If the votes are again equally divided, the proposal is considered to be rejected.

4. Voting on persons is secret and in writing.
If the votes are equally divided, the matter is decided by lot.

Article 76.

The House of Representatives shall, without delay, draw up its own rules of procedure.

Article 77.

Without prejudicing the provisions in Article 138, the House of Representatives shall for the first time and until it is established by elections in accordance with the law, consist of the Chairman, Deputy Chairmen, and members of the House of Representatives of the Republic of the United States of Indonesia; the Chairman, Deputy Chairman and members of the Senate; the Chairman, Deputy Chairmen and members of the Central National Executive Committee and of the Chairman, Deputy Chairman and members of the Supreme Advisory Council.

Section III.

The Supreme Court.

Article 78.

The composition and competency of the Supreme Court shall be regulated by law.

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Article 79.

1. The President, Vice-President and members of the Supreme Court are appointed in accordance with rules laid down by law.
These appointments are for life, without prejudice to the provisions contained in the following paragraphs.

2. The law can determine that the President, Vice-President and members of the Supreme Court be relieved of their offices upon attaining a certain age.

3. They can be dismissed or relieved from office in the manner and in such cases as determined by law.

4. They can be relieved from office by the President at their own request.

Section IV.

The General Audit Department.

Article 80.

The composition and the competency of the General Audit Department shall be regulated by law.

Article 81.

1. The Chairman, Vice-Chairman and members of the General Audit Department are appointed in accordance with rules laid down by law.
These appointments are for life, without prejudice to the provisions in the following paragraphs.

2. The law can determine that the Chairman, Vice-Chairman and members be relieved of their offices upon attaining a certain age.

3. They can be dismissed or relieved from office in the manner and in such cases as determined by law.

4. They can be relieved from office by the President at their own request.

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CHAPTER III.

The functions of the organs of the State.

Section I.

The Government.

Article 82.

The Government promotes the welfare of Indonesia and especially takes care that the Constitution, the laws and other regulations are excuted.

Article 83.

1. The President and the Vice-President are inviolable.

2. The Ministers shall be reponsible for the entire policy of the Government; jointly for the entire policy, and each Minister individually for his part in the Government.

Article 84.

The President has the right to dissolve the House of Representatives.

The Presidential decree announcing such dissolution shall also order the election of the new House of Representatives within 30 days.

Article 85.

All decrees of the President, including those concerning his authority over the Armed Forces of the Republic of Indonesia, shall be countersigned by the Minister(s) concerned, with the exception of what is provided for in the fourth paragraph of Article 45 and in the fourth paragraph of Article 51.

Article 86.

The officials of the Republic of Indonesia are appointed in accordance with regulations determined by law.

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Article 87.

The President awards decorations established by law.

Article 88.

Basic provisions with regard to communications on land, at sea and in the air shall be determined by law.

Section II.

The legislation.

Article 89.

Except for the provisions in Article 140, the legislative power is exercised, in accordance with the provisions of this section, by the Government together with the House of Representatives.

Article 90.

1. Bills of the Government shall be presented to the House of Representatives by Presidential message.

2. The House of Representatives has the right to submit bills to the Government.

Article 91.

The House of Representatives has the right to amend bills presented to it by the Government.

Article 92.

1. If the House of Representatives has passed a bill presented by the Government, either amended or not by the former, the House of Representatives gives due notification thereof and submits the bill to the President.

2. If the House of Representatives has rejected a bill presented by the Government, the House of Representatives notifies the President thereof.

Article 93.

The House of Representatives, having decided on a bill, submits it to the President for ratification by the Government.

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Article 94.

A bill may, prior to its passing by the House of Representatives in accordance with the preceding provisions of this section, be withdrawn by the Government.

2. The Government is bound to ratify a bill which has been passed, unless the Government gives notice of having preponderant objections against this bill within one month after the bill has been submitted for ratification.

3. If the Government ratifies a bill or has objections against the bill as referred to in the preceding paragraph, the House of Representatives is notified by Presidential message.

Article 95.

1. All bills which have been passed by the House of Representatives acquire the force of law after ratification by the Government.

2. The laws are inviolable.

Article 96.

1. The Government on its own authority and responsibiltiy has the right to enact emergency laws for the regulation of such matters, which demand immediate action on account of urgent circumstances.

2. Emergency laws have the force and authority of law, subject to the provisions of the following Article.

Article 97.

1. After their enactment the regulations contained in the emergency laws are presented to the House of Representatives at the next session the latest, for the House to deal in accordance with the manner prescribed for dealing with bills of the Government.

2. If a regulation as referred to in the preceding paragraph is rejected by the House of Representatives after having been dealt with in accordance with the provisions of this section, the regulation lapses **ipso jure.**

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3. All reparable and irreparable consequences resulting from the implementation of an emergency law which has lapsed by virtue of the preceding paragraph and for the consequences of which that emergency law has not made the necessary provisions, shall be provided for by law.

4. If the regulation contained in the emergency law has been amended and enacted as law, the consequences of these amendments shall be equally provided for in accordance with the preceding paragraph.

Article 98.

1. Regulations for the execution of laws are enacted by the Government and are called Government ordinances.

2. Government ordinances may impose penalties for the infringement of their provisions.
The limits of the penalties to be imposed are determined by law.

Article 99.

1. The laws and Government ordinances may delegate to other organs of the Republic of Indonesia the task of the further regulating definitive subjects specified in the provisions of these laws and ordinances.

2. The laws and Government ordinances concerned make provisions for the promulgation of such regulations.

Article 100.

1. The law makes provisions for the proclamation, promulgation and becoming effective of laws and Government ordinances.

2. Laws and Government ordinances shall only become binding by virtue of their promulgation in the manner determined by law.

Section III.

Judicature.

Article 101.

1. Civil cases, civil penal cases and military penal cases come exclusively within the cognizance of such judicial organs as established or recognized by or in virtue of the law.

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2. Appointment to a judicial office established by or in virtue of the law will be made exclusively on the basis of compliance with the requirements of capability, ability and integrity as determined by law.

Discharge, suspension and deposition from such an office can only take place in the cases defined by law.

Article 102.

Civil law and commercial law, civil penal law, military penal law, civil procedural law and criminal instructional law, as well as the composition and competency of the judicature, are regulated by law in legal codes, except when the legislator deems it necessary to regulate certain matters by special law.

Article 103.

Any intervention in judicial matters by other than judicial organs is prohibited, except when authorized by law.

Article 104.

1. All judgments shall state the principles on which the judgments are based and in penal cases indicate the legal provisions and "adat" law rules on which the conviction is based.

2. All court session shall be public subject to the exceptions determined by law.

The judge may deviate from this rule in the interest of public order and morality.

3. All judgments shall be pronounced in a public session.

Article 105.

1. The Supreme Court is the highest court of the State.

2. The Supreme Court exercises the highest supervision over the activities of the other judicial organs in accordance with regulations determined by law.

3. In cases to be indicated by law, appeal for cassation can be made to the Supreme Court against judgments in the last resort of other judicial organs except the Supreme Court.

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Article 106.

1. The President, the Vice-President and the Ministers; the Chairman, Deputy Chairmen and members of the House of Representatives; the President, Vice-President and members of the Supreme Court; the Attorney-General of that Court; the Chairman, Vice-Chairman and members of the General Audit Departement: the President of the Bank of Issue as well as officials, members of high government bodies and other authorities as indicated by law, shall be tried, also after their resignation and unless the law provides otherwise, by the Supreme Court in first instance and at the same time in the last resort, for misfeasances and other crimes and transgressions as determined by the law, committed during their period of office.

2. The law can reserve the cognizance of civil cases and civil penal cases against certain categories of persons and bodies for judicial organs indicated by that law.

3. The cognizance of civil cases concerning regulations made by or in virtue of a law, may be reserved by law for the judicial organs indicated by that law.

Article 107.

1. The President has the right of pardon for punishments imposed by judicial sentence.
He exercises this right after soliciting the advice of the Supreme Court, insofer as the law has not designated another judicial organ for this purpose.

2. If a death sentence has been imposed, the sentence shall not be executed until the President has had the opportunity to grant pardon in accordance with regulations established by law.

3. Amnesty and pardon are only extended by a law or in virtue of a law by the President after soliciting the advice of the Supreme Court.

Article 108.

The judgment in disputes on administrative law is entrusted by the law to judicial organs administering justice in civil cases, or to such other organs as guarantee similar impartiality to the greatest possible extent.

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Section IV.

Finance.

Part I.

The monetary system.

Article 109.

1. The currency which is issued by virtue of the law shall be the only legal tender in the entire territory of the Republic of Indonesia.

2. The monetary unit in which the legal tender is expressed shall be determined by law.

3. The law either recognizes a legal tender for unlimited amounts or for a specific and limited amount.

4. The issue of legal tender takes place by or on behalf of the Government of the Republic of Indonesia or by the Bank of Issue.

Article 110.

1. There is one Bank of Issue for Indonesia.

2. The designation, organization and competencies of the Bank of Issue shall be determined by law.

Part II.

Financial Administration — Budget — Audit — Salaries.

Article 111.

1. The Government is in charge of the General administration of finance.

2. The public finance is administrated and accounted for according to regulations determined by law.

Article 112.

1. A General Audit Department is instituted to examine and audit all accounts pertaining to public finance.

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2. The results of such examinations and audits are submitted to the House of Representatives.

Article 113.

The estimates of all expenditures of the Republic of Indonesia and the means to cover these expenditures shall be determined by law.

Article 114.

1. The Government shall introduce the bills for the determination of the general budget to the House of Representatives before the commencement of the period covered by the budget. This period shall not be longer than two years.

2. Bills with respect to revision of the general budget are presented by the Government to the House of Representatives whenever necessary.

Article 115.

1. The budget consists of divisions, each insofar as necessary divided into two chapters, repectively for the determination of the expenditures and for the designation of the means. The chapters are sub-divided into items.

2. The budget contains at least one division for each ministry.

3. The laws passing the final budget estimates shall each comprise only one division.

4. The law may authorize transfers.

Article 116.

The expenditures and revenues of the Republic of Indonesia shall be accounted for to the House of Representatives in accordance with regulations determined by law and under presentation of the accounts approved by the General Audit Department.

Article 117.

Taxes, duties and excises can only be levied in behalf of the Treasury by or in virtue of a law.

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Article 118.

1. Loans for account of the Republic of Indonesia cannot be contracted, quaranteed or approved, unless by or in virtue of a law.

2. The Government has the right to issue treasury bills and treasury bonds, under observance of the regulations determined by law.

Article 119.

1. Without prejudice to the provisions made in special regulations, the salaries and other allowances of the members of public bodies and of the officials of the Republic of Indonesia are determined by the Government, observing the regulations to be determined by law and according to the principle that no other benefits, but those explicity allowed shall be derived from any office.

2. The law can permit delegation of the powers described in paragraph 1 to other authorities.

3. Pensions to be awarded to servants of the Republic of Indonesia are regulated by law.

Section V.

Foreign relations.

Article 120.

1. The President concludes and ratifies all treaties and other agreements with foreign powers.
Unless the law provides otherwise, a treaty or other agreement is not ratified until approved by law.

2. Accession to and terminition of treaties and other agreements is effected by the President only by virtue of a law.

Article 121.

The Republic of Indonesia shall join international organizations on the basis of the treaties and agreements referred to in Article 120.

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Article 122.

The Government shall endeavour to solve peacefully all disputes with other Powers and shall decide in this respect whether to solicit or accept international adjudication or arbitration.

Article 123.

The President appoints representatives of the Republic of Indonesia to other Powers, and receives representatives of other Powers to the Republic of Indonesia.

Section VI.

Defence of the State and Public Security.

Article 124.

The law determines the regulations concerning the right and the duty of citizens to maintain the independence of the Republic of Indonesia and to defend its territory.

The law regulates the exercise of this right and this duty, and determines the exceptions thereto.

Article 125.

1. The Armed Forces of the Republic of Indonesia are entrusted with the protection of the interests of the State of the Republic of Indonesia.

The Armed Forces shall consist of volunteers and conscripts.

2. The law shall regulate all matters pertaining to the Regular Armed Forces and to compulsory military service.

Article 126.

1. The Government is charged with the direction of defence.

2. The law determines the principles of the composition and the functions of the organs entrusted with the general defence.

Article 127.

1. The President has supreme authority over the Armed Forces of the Republic of Indonesia.

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2. In a state of war, the Gouvernment puts the Armed Forces under the command of a commander-in-chief.

3. The officers are appointed, promoted and discharged by or on behalf of the President in accordance with rules determined by law.

Article 128.

The President shall require the approval of the House of Representatives before declaring war.

Article 129.

1. In the manner and in the instances to be defined by law, the President can declare the territory of the Republic of Indonesia or parts thereof in a state of emergency, whenever he considers this state necessary for the safeguarding of internal and external security.

2. The law regulates the stages of the state of emergency and the consequences of such a declaration. The law further determines when the constitional powers of the civil authorities on public order and the police shall wholly or partly be transferred to the military authorities, and the civil authorities become subordinate to the military authorities.

Article 130.

A police force shall be established by law for the maintenance of public order and security.

CHAPTER IV.

Administration of the territories and principalities.

Article 131.

1. The division of Indonesia's territory into large and small autonomous territories and the organisation of their administration shall be established by law, with due observance and consideration of the principles of consulation and representation in the system of government of the State.

2. The territories shall be given the largest possible measure of autonomy to manage their own affairs.

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Article 139.

1. The Executive Body shall consist of the Chairman of the Constituent Assembly in the capacity of a member and at the same time Chairman; and members, the number of which is to be determined on the basis of one representative to every 10 members or the Constituent Assembly.

2. The procedure for the election of the members of the Executive Body apart from the Chairman, shall be established by law.

3. The Executive Body shall elect from among its midst one or more Deputy Chairmen.

The provisions of Article 62 are applicable to this election.

4. Before assuming their office, the members of the Executive Body swear an oath (make a declaration) in accordance with their religious beliefs, as laid down in Article 63, before the Chairman of the Constituent Assembly.

CHAPTER VI.

Amendments, transitional and final provisions.

Section I.

Amendments.

Article 140.

1. Every proposal to amend this Constitution shall clearly indicate the proposed amendments.

It shall be announced by law that the proposed amendments are motivated.

2. The proposal to amend the Constitution which shall be announced in such a law shall be presented by the Government with a Presidential message to a Body named the Council for the Amendment of the Constitution, which consists of the Members of the Provisional House of Representatives and of the Members of the Central National Committee who are not Members of the Provisional House of Representatives.

The Chairman and Deputy Chairmen of the Provisional House of Representatives shall become the Chairman and Deputy Chairmen of the Council for the Amendement of the Constitution.

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3. The provisions of Articles 66, 72, 74, 75, 91, 92 and 94 are correspondingly applicable to the Council for the Amendement of the Constitution.

4. The Government shall ratify the bill to amend the Constitution immediately after it has been passed by the Council for the Amendement of the Constitution.

Article 141.

1. Without prejudice to the general provisions with regard to the promulgation and proclamation of laws, changes in the Constitution shall be solemnly promulgated by the Government.

2. The text of the amended Constitution shall be published once more by the Government as soon as the chapters, the sections of each chapter and the articles have been consecutively renumbered and the references changed wherever required.

3. Existing authorities and prevailing regulations and decrees, at the moment an amendement in the Constitution becomes effective remain in force until replaced by others in accordance with the Constitution, unless their maintenance is in contravention of such new constitutional provisions which do not require any further legislation or executive measures (to become effective).

Section II.

Transitional provisions.

Article 142.

Regulations by law and administrative provisions existing on 17th August, 1950, remain in force unchanged as regulations and provisions of af Republic of Indonesia so long and insofar as they have not been withdrawn, supplemented or amended by legislation and administrative provisions in virtue of this Constitution.

Article 143.

Insofar as not regulated by the provision of this Constitution, the law determines which organs of the Republic of Indonesia shall assume the functions and competencies of the organs which exercised these functions before 17th August 1950, on the basis of the legislation maintained in virtue of Article 142.

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Article 144.

Pending the promulgation of the regulations on citizenship by the law referred to in paragraph 1 of Article 5, all persons who have acquired Indonesian nationality according to or on the basis of the Agreement on the division of citizens, attached to the Agreement of Transfer, and those whose nationality has not been determined by said Argeement and who on 27th December, 1949 have acquired Indonesian citizenship according to the law of the Republic of Indonesia prevailing on that date, shall be citizens of the Republic of Indonesia.

Section III.

Final provisions.

Article 145.

Immediately after this Constitution becomes effective, the Government shall institute one or more Commission which shall be entrusted with the function to promote, in general, and in accordance with its instructions, the adaptation of the existing laws to confrom with the Constitution.

Article 146.

Immediately after this Constitution becomes effective, the Government shall, by reorganizing the existing forces, bring into existence an integrated machinery of State for the purpose of carrying into effect the Constitutional principles reflecting the spirit of the national struggle.

Article II.

1. This Provisional Constitution of the Republic of Indonesia comes into force on August 17, 1950.

2. If before the time stated in paragraph 1, steps have been taken for the formation of organs of the Republic of Indonesia, on the basis of the regulation laid down in this Constitution, such regulation shall be retroactive from the day on which such steps were taken.

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In order that everyone be informed, it is ordered that this law be promulgated by publication in the Gazette of the Republic of the States of Indonesia.

Approved in Djakarta,
on 15th August, 1950.

The President of the Republic of
the United States of Indonesia,
(sgd) SOEKARNO.

The Prime Minister,
(sgd) MOHAMMAD HATTA.

The Minister of Justice,
(sgd) SOEPOMO.

Promulgated in Djakarta,
on 15th August 1950.
The Minister of Justice,
(sgd) SOEPOMO.

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